



GE Aircraft Engines

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Docket Management System
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Comments to Notice of Proposed Rulemaking; False and Misleading Statements Regarding Aircraft Products, Parts, and Materials; Docket Number FAA-2003-15062;

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-10946.htm>

To Whom It May Concern:

Please accept the following comments on behalf of General Electric Aircraft Engines (GEAE), the world's leading provider of aircraft and aeroderivative propulsion systems and services. General Electric Aircraft Engines is an international company consisting of 37 engine types, which power 91 aircraft systems. We supply engines to 14 airframe manufacturers worldwide. General Electric Aircraft Engines has 25,500 employees in 86 countries. Proposed regulatory changes by the FAA have a significant impact on the company.

GEAE supports the proposed rule that would prohibit certain false or misleading statements regarding type certificated products, parts and materials that may be used in the civil aircraft market. GEAE supports increased inspection by the FAA of records and parts regarding the quality of aircraft parts. GEAE is in full agreement that additional rules are needed to help prevent persons from representing parts as suitable for use on type certificated products when in fact the parts may not be suitable. GEAE supports the proposal to provide aircraft owners and operators assurance that they have factual information on which to determine whether a part may be used in a given type certificated product application.

GEAE recommends the final rule be clarified in scope (in the applicability section) to target those persons who knowingly and with the intent to defraud (18 USC Sec. 38), make false and misleading statements with respect to the "FAA approval status" of products and parts.

GEAE proposes language such as the following be inserted into the "Applicability" section (3.1), as well as the "Application of the Proposed Rule" material after Section 3.5(f): "This part [or proposed rule] applies to persons engaged in aviation-related activities, as set forth in this part, but does not apply to records or statements by a production approval holder certificated under 14 CFR part 21 or by a repair station certificated under 14 CFR part 145 concerning products or parts produced or repaired pursuant to the holder's certificate."

GEAE believes that the proposed clarifying language should be added in sections 3.1 and 3.5 because, without it, the new rule could be misinterpreted and used against honest production approval holders and repair station operators in a manner inconsistent with the stated purpose of the rule and contrary to the best interests of the aviation community when such certificate holders make honest mistakes in writing with respect to the status of their products and parts. On occasion, production approval holders may have an escape from their quality system, which results in a product or part not

conforming to the FAA approved design leaving the approval holder's facility. Such escapes are not intentional. Other remedies are currently in the Federal Aviation Regulations to address such errors. Additional regulations are not necessary, especially when such proposed regulations that have one specific purpose and are targeted at a specific group of persons (those who make intentional false and misleading statements) may be misapplied to honest production approval holders.

Comments to specific parts of the NPRM:

Determining Status of Parts

"For instance the part number is important, and it is critical to know whether the part was produced by an FAA production approval holder or a PAH supplier." COMMENT: It is unclear the context of the statement and the application part number reference. Whether a part comes from a PAH supplier or not is irrelevant. A part that has been produced by a PAH is an approved part. The PAH relies on many suppliers to produce parts, but it is the PAH who is responsible for the production of the part, not the supplier. The final rule should clarify the intent of this part of the NPRM.

"For a used part...." COMMENT: Suggest the FAA define used part in this context.

"Producers have extensive procedures in place...but they, too, must rely on representations made by others regarding parts and materials." COMMENT: This sentence may be misleading. A producer (production approval holder) is responsible for the quality of the products and parts it produces. The extent to which a PAH relies on representations made by others is defined in the PAH's quality procedures, and reviewed by the FAA. It is unclear as to the intent of this discussion in the NPRM, and the intent should be clarified in the final rule.

Section 3.1 Applicability

"This part applies to persons engaged in aviation-related activities, as set forth in this part."

COMMENT: The term aviation-related should be defined. Additionally, the sentence should read, "This part applies to persons engaged in aviation-related activities, as set forth in this part who are not otherwise subjected to the provisions of 14 CFR parts 21, 43, 65, 119, 121, 123, 135, 145 & 183."

Section 3.5(a) Applicability of this Section

"For this reason, the new requirements of proposed Sec. 3.5(c) would not be necessary for part 43 records." COMMENT: The same holds true for part 21 records.

Section 3.5(b) Terms Used in this Section

"We request comments on whether there is a significant problem with false or misleading records regarding fluids used in aviation, and whether the final rule should apply to records regarding fluids." COMMENT: There is not a significant problem, however the final rule should cover fluids from a proactive standpoint.

Section 3.5 (c) Prohibition Against False Statements

"Applying the proposed rules to type certificated products means, for instance, that the proposed rules would not apply to aircraft for which Special Airworthiness Certificates in the experimental category have been issued, or military aircraft." COMMENT: The rationale that an experimental aircraft does not have a type certificate is flawed. I won't go into that discussion here. Any aircraft, no matter what category or class, civil or public, should have the benefit of the proposed rule when intentional false and misleading statements may have an impact on the safety of such aircraft.

Section 3.5 (d) Preventing Misleading Statements

"Examples of a demonstrable basis include that the part was produced under a PC, PMA or TSOA." COMMENT: Providing limited examples is not in the best interest of clarity. The final rule should state all the types of approvals that allow persons to produce parts, which includes persons in other countries.

"Misleading statements include misrepresentations as well as a failure to disclose material information regarding the product." COMMENT: The use of the term "material" should be defined. If the term means the metallurgical properties of a product, then that information is usually proprietary and will not be disclosed. We believe the term is used in another context based upon the discussion in the NPRM. The discussion should make it clear that in the context of the use of the term "material" the term does not refer to a metallurgical property.

"Illustrated parts catalogues (IPC) are another type of document that may contain misleading statements...." COMMENT: The final rule should clarify IPCs are not FAA approved and do not contain misleading statements with respect to the intent of the proposed rule.

Relationship of Proposal to Experimental Aircraft

COMMENT: Not all "experimental" aircraft are amateur-built aircraft. If it is the FAA's intent to exclude amateur-built aircraft from the rule then such intent should be explicitly stated. The FAA should consider, however, that amateur-built aircraft do have both a type and airworthiness certificate (see AIR-2 if clarification is needed) and therefore the final rule should be carefully worded to ensure the FAA's intent is captured.

Relationship of Proposal to Parts for Military Aircraft

COMMENT: Per 14 CFR part 1, there is no such type/class of aircraft as a "military aircraft." There are civil aircraft and public aircraft. The final rule should use the correct terminology contained in the FAR. Additionally, many aircraft that are, or have been used by the Department of Defense, have a type certificate.

Thank you for the opportunity to comment.

/S/

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